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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,345	11/14/2001	Robert J. Eller	10240	7207

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EXAMINER

MASINICK, MICHAEL D

ART UNIT PAPER NUMBER

2125

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/992,345	Applicant(s) ELLER ET AL.	
	Examiner Michael D. Masinick	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 and 39-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 21-28, 34-38, 49 and 50 is/are rejected.
- 7) ☒ Claim(s) 9-13 and 29-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 forms</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-50 are pending in this application. Claims 1-13, 21-38, 49 and 50 are elected by applicant. Claims 14-20, and 39-48 have been withdrawn.

Election/Restrictions

1. Applicant's election with traverse of invention 1 in the reply filed on 10/28/2005 is acknowledged. The traversal is on the ground(s) that the search would not present an undue burden on the examiner. This is not found persuasive because the inventions are classified in different subclasses that would not be searched by the examiner.
2. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 21-28, 38, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,611,727 to Bickley et al in view of U.S. Patent No 6,167,382 to Sparks et al.

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5. Referring to independent claims 1, 21, 49, and 50, Sparks shows (a) entering digital data representing a design and a product design into a computer system (Column 2, lines 36-49); (b) entering digital data representing an order for delivery of a specified quantity of an item, incorporating the product design (Column 10, line 65 – Column 11, line 15);

6. With respect to what is shown above, Sparks does not specifically show entering digital data representing production resources necessary to produce the packaging item ordered in the specified quantity into the computer system; entering digital data representing the availability of production resources necessary to produce the quantity of the packaging item ordered on the specified date into the computer system and accessing the data entered in the preceding steps to determine the supply chain's ability to produce the packaging item ordered in the specified quantity on the specified date.

7. The term "packaging product" is not given patentable weight other than described in the specification as an item that is printed upon. As many printed items can be "packaging products" with a simple shape change, there would be no change to the system or method of standard printing if the printing was to happen on differently shaped stock or meant for another purpose.

8. Computer manufacturer *Dell* has been using advanced supply chain management software since 1996 to estimate a shipping date and inform the user of any potential manufacturing problems before the order is placed. The Bickley patent shows a method for simulating production within a manufacturing environment which will provide a ship date as well as manage the manufacturing process to ensure that as many deadlines are met as possible. Bickley shows entering digital data representing production resources necessary to produce the

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item ordered in the specified quantity into the computer system (“WIP Profile” – Column 4, lines 44-end); entering digital data representing the availability of production resources necessary to produce the quantity of the packaging item ordered on the specified date into the computer system (Column 7, lines 30-45) and accessing the data entered in the preceding steps to determine the supply chain’s ability to produce the packaging item ordered in the specified quantity on the specified date (Column 5, lines 1-18).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the manufacturing simulation concepts set forth in the Bickley patent to determine if the supply chain of Sparks was able to produce the packaging item ordered in the specified quantity on the specified date because built-to-order manufacturing supply chains provide the benefits of reduced production costs and efficient utilization of resources. Bickley goes on to say that disclosure therein relates to systems and methods that may be utilized to advantage in a distribution facility, independent of the manufacturing process.

10. Referring to claim 2, 3, 22, and 23 Sparks shows wherein the computer system is accessible by a network shared by members of the supply chain and wherein this network is the internet (Abstract).

11. Referring to claim 4 and 24, Sparks shows wherein the digital data representing a packaging product design is entered in the computer system using the internet (Abstract).

12. Referring to claim 5 and 25, Sparks shows wherein the digital data representing the order for the item is entered into the computer system using the internet (abstract).

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13. Referring to claim 6 and 26, Bickley shows wherein the digital data representing the availability of production resources are entered in the computer system using the internet.

Examiner notes that the phrasing of this claim is open to different interpretations. In Bickley all data is transmitted via a network connected to the internet, but it is not manually input. If applicant is seeking patent protection for manually inputting this data, it should be specified in the claim.

14. Referring to claim 7 and 27, Bickley shows wherein the data representing the availability of production resources is stored and managed in time buckets. The term “time buckets” is not used in the specification. The specification refers to “capacity buckets” but makes no mention of time related thereto. This term is taken to mean a specified length of time in which manufacturing can occur, which is shown in all manufacturing applications.

15. Referring to claim 8 and 28, Bickley shows wherein the production resources are production line availability, services, and material supplies (Column 7, lines 29-64).

16. Referring to claim 38, Bickley shows wherein the computer system is capable of providing access to data representing the requirements for material supplies necessary to produce the packaging items ordered to providers of material supplies (Column 7). Examiner notes that the language of this claim is indefinite. Any computer system is “capable of providing access” to any type of data.

17. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,611,727 to Bickley et al in view of U.S. Patent No 6,167,382 to Sparks et al as shown above and further in view of U.S. Patent No. 6,415,196 to Crampton et al.

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18. With respect to what has been shown above, Bickley in view of Sparks does not show wherein the computer system is programmed to schedule a plurality of accepted orders using decision support tools that provide immediate feedback on the impact of adding an order to a schedule, moving an order in a schedule, or deleting an order from a schedule.

19. Crampton is a scheduling system for a manufacturing environment that allows for editing of the schedule for solving finite capacity planning problems. Crampton shows scheduling a plurality of accepted orders using decision support tools that provide immediate feedback on the impact of adding an order to a schedule, moving an order in a schedule, or deleting an order from a schedule (Figure 34).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the scheduling system of Crampton to do the order scheduling for Bickley in view of Sparks because the scheduling system can be used to “create new software decision support system solutions that include a model of the resources, activities, constraints, and demands” (Column 4, lines 39-43).

21. Referring to claim 35, Crampton shows wherein the computer system is programmed to add, move, and delete an order by drag and drop functionality (Figure 13).

22. Referring to claim 36, Crampton shows wherein the computer system is programmed to maintain multiple alternative schedules for producing the plurality of accepted orders (column 12, line 27).

23. Referring to claim 37, Crampton shows wherein the computer is programmed to link schedules for successive steps in the manufacturing process to one another, and provide

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immediate feedback on the impact of adding, moving, or deleting an order, including the impact that this change will have on subsequent steps in the production process (Column 5, lines 13-26).

Allowable Subject Matter

24. Claims 9-13, 29-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. The following is an examiner's statement of reasons for indicating allowable subject matter:

26. While Sparks in view of Bickley shows an internet ordering and supply chain management system similar to the current invention, neither this reference taken alone or in combination with the prior art of record disclose (a) data representing each color necessary to print the packaging item; (b) data representing the amount of ink necessary to print the packaging item; and (c) data representing the degree of bounce associated with printing the packaging item. It is this additional data, in combination with the remaining elements and features of the invention, that the applicant's invention defines over the prior art of record.

27. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDM

A handwritten signature in black ink, appearing to read 'L. Picard', with a stylized, flowing script.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**